

## Message Text

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ACTION ARA-10

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E.O. 11652: GDS

TAGS: CI, PINS, MILI, SHUM

SUBJECT: RESULTS OF INTERNAL ARMY TRIAL

1. SUMMARY: ARMY JAN 10 ANNOUNCED FINAL RESULTS OF INTERNAL JUDICIAL PROCESS INVOLVING AT LEAST THREE ARMY OFFICERS AND 14 OTHERS, MOST OF WHOM WERE CHARGED WITH TRYING TO FOMENT INSUBORDINATION WITHIN ARMY RANKS. TOP SENTENCE WAS 15 YEARS, WITH MOST IN 2 TO 4 YEAR RANGE. NO PROMINENT NAMES WERE INCLUDED. TRIAL WAS CLOSED AND RECEIVED NO PUBLICITY. CONTRAST TO LAST YEAR'S AIR FORCE TRIAL, WHICH FEATURED CONSIDERABLE PUBLICITY AND RAFT OF INTERNATIONAL OBSERVERS, IS NOTABLE. WE DOUBT THERE WILL BE ANY MORE SERVICE TRIALS OF UNIFORMED PERSONNEL ON INTERNAL SUBVERSION CHARGES. END SUMMARY.

2. SANTIAGO PRESS JAN 10 CARRIED ANNOUNCEMENT THAT ARMY SECOND DIVISION (SANTIAGO AREA) COMMANDER GEN. SERGIO ARELLANO HAD COMPLETED HIS REVIEW OF SENTENCES ISSUED BY AN ARMY TRIBUNAL JAN 3 FOR 14 PERSONS. ONLY THREE WERE IDENTIFIED AS ARMY OFFICERS. AND ADDITIONAL THREE PERSONS WERE ABSOLVED OF ALL CHARGES.

3. DEFENDANTS, THEIR SENTENCES, AND CRIMES AS FOLLOWS:

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1. LT. COL. (R) EFRAIN JANA GIRON; 3 YEARS; FAILURE TO FULFILL MILITARY DUTIES (CODE OF MILITARY JUSTICE, ARTICLE 299, CLAUSE 3).

2. LT. COL. (R) FERNANDO REVECO VALENZUELA; 270 DAYS; FAILURE TO FULFILL MILITARY DUTIES (ARTICLE 299, CLAUSE 3).

3. LT. (R) CARLOS PEREZ TOBAR; 4 YEARS; CONSPIRACY TO CREATE SEDITION OR MUTINY (ARTICLE 278).

4. BERNARDO CANQUIL VARGAS; 10 YEARS AND A DAY; FOMENTING INSUBORDINATION IN MILITARY RANKS (ARTICLE 274).

5. CLAUDIO OLIVA RIVAS; 15 YEARS; FOMENTING INSUBORDINATION IN MILITARY RANKS (ARTICLE 274).

6. HECTOR MARILLAN BECERRA; 3 1/2 YEARS; CONSPIRACY TO CREATE SEDITION OR MUTINY (ARTICLE 278).

7. EDGARDO ONATE PARRA; 2 YEARS; FAILURE TO REPORT A CONSPIRACY TO CREATE SEDITION (ARTICLE 280).

8. GUILLERMO VILLARROEL CORDOVA; 3 1/2 YEARS; CONSPIRACY TO CREATE SEDITION OR MUTINY (ARTICLE 278).

9. MARCOS CARES ESPINOZA; 2 YEARS; CONSPIRACY TO CREATE SEDITION OR MUTINY (ARTICLE 278).

10. GERARDO SAN MARTIN LAGOS; 2 YEARS; FAILURE TO REPORT A CONSPIRACY TO CREATE SEDITION (ARTICLE 280).

11. ENRIQUE TORO VARGAS; 2 YEARS; CONSPIRACY TO CREATE SEDITION OR MUTINY (ARTICLE 278).

12. JORGE RODRIGUEZ GUERRERO; 2 YEARS; ACCESSORY TO CONSPIRACY TO CREATE SEDITION OR MUTINY (ARTICLE 278).

13. JUAN SOTO LEYTON; 4 YEARS; CONSPIRACY TO CREATE SEDITION OR MUTINY (ARTICLE 278).

14. PEDRO PINA PINA; 180 DAYS; FAILURE TO REPORT CONFIDENTIAL

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A CONSPIRACY TO CREATE SEDITION (ARTICLE 280).

4. VILLARROEL WAS ABSOLVED OF SABOTAGE CHARGES. IGNACIO JARA LOPEZ, ALICIA EGANA SALINAS, AND MARIA BULNES NUNEZ WERE ABSOLVED OF CHARGES OF BEING ACCOMPLICES OF THE CRIME OF SEDITION.

5. COMMENT: TRIAL APPARENTLY BEGAN SEVERAL MONTHS AGO BUT WAS

CLOSED TO OUTSIDE OBSERVERS AND GENERAL PUBLIC AND RECEIVED NO PUBLICITY. ONLY ONE OR TWO OBLIQUE REFERENCES TO "ARMY TRIBUNAL MEETING IN DEFENSE MINISTRY" EVER CRESTED INTO SANTIAGO PRESS AND EMBASSY NEVER HEARD REFERENCES TO IT. NO PUBLICITY WHATSOEVER WAS GIVEN TO TRIBUNAL'S JAN. 3 VERDICT.

6. NONE OF DEFENDANTS IS PROMINENT. LT. COL. JANA WAS COMMANDER OF TALCA REGIMENT AT TIME OF COUP AND SERVED AS PROVINCE INTENDENTE AND TALCA GARRISON COMMANDER FOR SUBSTANTIAL PERIOD OF TIME THEREAFTER. HE WAS RETIRED EFFECTIVE JUNE 30, 1974, ON LIST PUBLISHED JAN. 1 OF THAT YEAR. LT. COL. REVECO WAS PROMOTED FROM MAJOR ON JAN 1, 1974; HE SERVED IN CALAMA (CHUQUICAMATA COPPER MINE) PRIOR TO COUP, BUT HIS POSTS AFTERWARDS ARE UNKNOWN. LT. PEREZ HAS BEEN SUBJECT OF FAIR AMOUNT OF RADIO MOSCOW PROPAGANDA, ALLEGING HIS ONLY "CRIME" WAS HIS REFUSAL TO FIRE UPON UNARMED WORKERS AND TO PARTICIPATE IN TORTURE OF DETAINEES. WE ANTICIPATE RADIO MOSCOW WILL DEVOTE EVEN MORE ATTENTION TO PEREZ, FOR WHOM RADIO MOSCOW CLAIMS PROSECUTION REQUESTED DEATH SENTENCE, BILLING HIM AS EXAMPLE OF "HONEST", "ANTI-FASCIST" ARMY OFFICER WHO IS BEING PUNISHED FOR HIS BELIEFS. REMAINING DEFENDANTS ARE UNKNOWN TO EMBASSY

AT LEAST SOME MAY BE FORMER ARMY ENLISTED PERSONNEL, SINCE ARTICLE 280 OF CODE OF MILITARY JUSTICE SPECIFIES UNIFORMED PERSONNEL IN ITS REFERENCE TO FAILURE TO REPORT A SUBVERSIVE CONSPIRACY.

7. CHARGES FOR ALL DEFENDANTS EXCEPT THE TWO LT. COLONELS ARE UNDER SECTION OF MILITARY CODE ENTITLED "CRIMEK AGAINST THE ORDER AND SECURITY OF THE ARMY", SUBTITLE "SEDITION OR MUTINY". EXACT NATURE OF CHARGES AGAINST DEFENDANTS IS UNKNOWN AT THIS POINT.

8. CONTRAST TO AIR FORCE (FACH) TRIAL IN MID-1974 IS NOTABLE. UNLIKE FACH TRIAL, ARMY TRIAL WAS SO LOW KEY AS TO BE INVISIBLE; IT RECEIVED LITTLE OR NO ATTENTION FROM WORLD PRESS OR INTERNATIONAL CONFIDENTIAL

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HUMAN RIGHTS GROUPS; IT DID NOT INVOLVE EITHER A LARGE NUMBER OF PERSONS OR ANY PROMINENT NAMES; AND ITS SENTENCES ARE GENERALLY QUITE MILD. APPARENTLY, ARMY LEARNED FROM FACH'S EXCESSES AND ERRORS. ALSO INTERESTING THAT ARMY, CHILE'S LARGEST SERVICE, CHOSE TO TRY ONLY A HANDFUL OF PEOPLE ON CHARGES OF ATTEMPTING TO SUBVERT THE RANKS, WHICH FACH CHARGED 68 PERSONS.

IN WHAT COULD BE AN ADDITIONAL SIGNIFICANT DIFFERENCE, THERE IS NO INDICATION THAT, UNLIKE FACH DEFENDANTS, ANY OF ARMY DEFENDANTS WAS ACCUSED OF PERFORMING ACTS PRIOR TO THE COUP, THEREBY AVOIDING QUESTION OF EX POST FACTO ACCUSATIONS. (THIS IS OUR IMPRESSION FROM SCANT INFORMATION AVAILABLE SO FAR.) INDEED, IN CASE OF TWO COLONELS WHO BOTH SERVED FOR LONG PERIOD AFTER COUP, THERE IS STRONG PRESUMPTION THAT ACTS FOR WHICH THEY WERE CONVICTED OCCURRED AFTER COUP.

9. WHILE WE DO NOT COMPLETELY RULE OUT ADDITIONAL TRIALS OF MILITARY  
PERSONNEL ON INTERNAL SUBVERSION CHARGES, WE CONSIDER IT  
UNLIKELY.  
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